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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/940,092

08/27/2001

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GR 00 P 16715

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08/09/2006

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EXAMINER

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ART UNIT

PAPER NUMBER

2612

DATE MAILED: 08/09/2006

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/940,092
Filing Date: August 27, 2001
Appellant(s): KAMLAH, SIEGFRIED

MAILED
AUG 09 2006
GROUP 2600

Atty. Yonghong Chen
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed July 25, 2005 appealing from the Office action mailed December 15, 2004.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6577227	KIRCHLINDE ET AL.	6-2003
6549115	DAISS ET AL.	4-2003
5164985	NYSEN ET AL.	11-1992
DE19718423A1	GOLD	11-1998

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 1-2, 4, 6-7, and 9 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Kirchlinde et al. (US 6577227) in view of Nysen et al. (US 5164985).

Regarding claim s1, 4, and 7, Kirchlinde teaches a mobile device that consists of a transceiver device (fig. 2, 6), which is disposed in a motor vehicle. The transceiver 6 transmits an interrogation signal in response to the triggering device activated (col. 1,

lines 50-59). Additionally, Kirchlinde teaches a portable code transmitter (figs. 1 and 2) that is configured to receive the interrogation signals (col. 2, lines 18-19). Moreover, Kirchlinde discloses that the device is vehicle-mounted, which contains an evaluation unit that enables vehicle-specific functions after receiving and comparing the signals (col. 1, lines 61-64). However, Kirchlinde does not disclose that the antenna of the transceiver 6 emits a signal of having either an elliptical or a circular polarization.

However, Nysen, who teaches a passive universal communication system, teaches an authentic device (col. 6, lines 30-43) with a transponder (passive) and a controller. The controller transmits a circular polarized interrogation signal, and the transponder replies with an orthogonal-oriented circular polarized response signal (col. 14, line 1-col. 15, line 10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used orthogonal circular polarized signals to provide full duplex communication in the Kirchlinde system as suggested by Nysen, since such would provide non-interfering bi-directional communication.

Regarding claim 2, Kirchlinde teaches a mobile device that consists of a transceiver device (fig. 2 and 6), which is disposed in a motor vehicle; however, Kirchlinde does not expressly disclose the antennas of the transceiver as being orthogonal (perpendicular) to form a circular polarization.

However, Nysen teaches that in order to provide the non-interfering bi-directional communication using circular polarized signals, the transmit and receive antennas need to be orthogonal.

Regarding claims 6 and 9, Kirchlinde teaches that the transceiver device is configured in the manner that the interrogation signal is emitted at a pre-determined time period (col. 4, lines 32-41). Moreover, the response signal must also be transmitted at a predetermined time (col. 6, lines 5-11).

2. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kirchlinde in view of Nysen (hereinafter Kirchlinde) in further view of Daiss et al. (US 6549115).

Regarding claim 3, Kirchlinde teaches that the vehicle-specific functions, such as locking and unlocking locks are controlled by the code signal, based upon the response of the evaluation unit (col. 2, lines 30-34). However, Kirchlinde fails to disclose immobilizing functions within the vehicle.

Daiss, who discloses an active and passive remote mobile device, teaches the electronic immobilizer on the vehicle that contains an immobilizer control unit, which in turn, actuates the necessary components to operate the vehicle. Such components include a switching means for the ignition in order to start the engine (col. 3, lines 32-40). Furthermore, Daiss further discloses that one can actuate the electronic

immobilizer via an electronic key (figs. 1 and 6) or via the passive device (read as smart card in figs. 1 and 7, col. 3, lines 57-62). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to supply the ability to turn on/off the immobilizer via the communication device of Daiss into Kirchlinde, because Kirchlinde teaches that the communication device actuates locks of the vehicle utilizing an electronic key, and Daiss teaches that the device to immobilize the vehicle is an electronic key.

3. Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirchlinde in view of Nysen (hereinafter Kirchlinde) in further view of Gold (DE 19718423A1).

Regarding claims 5 and 8, Kirchlinde fails to disclose the relevant material regarding the coil functions as antenna, which are to be at phase angle of less than or equal to 90 degrees.

However, Gold, who teaches a portable transmitter, clearly illustrates in fig. 1 that there are at least two coils functioning as antennas. Moreover, the illustration shows that the antennas are perpendicular or 90 degrees to one another. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide at least two coils that function as antennas and are actuated by

being in phase of at least 90 degrees to one another in the mobile device of Kirchlinde, because Gold provides two antennas orthogonally arranged in order to provide proper signal transmission.

(10) Response to Argument

The Appellant's arguments are focused on claims 1, 4, and 7. The Appellant argues that with respect to the aforementioned claims, Nysen does not suggest a circular or elliptical polarized signal for vehicular systems, and that Nysen and Kirchlinde are not combinable. However, addressing the arguments, Nysen suggests that success of the wireless communication signals can be used within a vehicular system (col. 6, lines 29-44). Henceforth, with the suggestion (of Nysen) that the circular or elliptical polarized signal can be used between a vehicle and an external communication device, it would thus make it obvious to combine Kirchlinde with Nysen (col. 15, lines 1-46). Additionally, both Kirchline and Nysen disclose wireless devices wherein the communication requires interrogation and response signals. Therefore, since the principal of communication are the same, the motor vehicle security system of Kirchlinde (col. 5, line 8-col. 6, line 30) and the motor vehicle toll system of Nysen (col. 5, line 33-col. 6, line 44) both require close proximity in order for the interrogation and response signals to be transmitted; thus making the two references combinable.

The Appellant's arguments with respect to claims 4-7, 9-11, 13-14, and 17-19 are also not persuasive for the same reasons give with respect to claims 1-3, 12, and 20 as evidenced by Holcomb.


(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Examiner Kimberly Jenkins


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